

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

#### **WE CLAIM:**

1. (currently amended) A method for tokenless biometric authorization of an electronic transaction between a consumer and a merchant using an electronic identicator and an access device wherein the access device is not required to contain in memory any data that is personalized to the consumer, the electronic identicator comprising at least one computer further comprising at least one database wherein the consumer registers at least one registration biometric sample taken directly from the consumer's person, the method comprising:

a consumer registration step, wherein a consumer registers with the electronic identicator at least one registration biometric sample taken directly from the consumer's person;

a first communications establishment step, wherein the consumer and merchant establish communications with each other via an access device capable of biometric input;

a proposal step, wherein ~~the merchant proposes~~ a commercial transaction ~~to~~ is proposed between the merchant and the consumer via the access device;

a first access device identification step, wherein the access device communicates to the merchant an identification code associated with the access device;

a second communications establishment step, wherein after the consumer and merchant have agreed on the proposed commercial transaction, the consumer and the electronic identicator use the access device to establish communications with each other;

a second access device identification step, wherein the access device communicates to the electronic identicator the identification code associated with the access device;

a consumer identification step, wherein the electronic identicator compares a bid biometric sample taken directly from the consumer's person and communicated

from the access device with at least one previously registered biometric sample to produce a successful or failed identification of the consumer; and

an information forwarding step, wherein, upon successful identification of the consumer, the electronic identifier electronically forwards information regarding the consumer to the merchant;

wherein, upon successful identification of the consumer, a biometrically authorized electronic financial transaction is conducted without the consumer being required to present any personalized man-made memory tokens.

2. (original) The method of claim 1 wherein the electronic identifier performs an electronic financial transaction authorization, further comprising the steps of:

a transaction forwarding step, wherein the merchant forwards information regarding the commercial transaction to the electronic identifier;

an identification code forwarding step, wherein the merchant communicates to the electronic identifier the identification code associated with the access device that was previously communicated to the merchant;

an association step, wherein the identification code associated with the access device is used to associate the biometric identification accomplished in the consumer identification step with the information regarding the commercial transaction; and

a financial transaction authorization step, wherein the electronic identifier executes a financial transaction on behalf of the merchant.

3. (original) The method of claim 1 wherein the merchant performs an electronic financial transaction authorization, further comprising the steps of:

an identification code forwarding step, wherein the electronic identifier forwards to the merchant the identification code associated with the access device that was previously communicated to the electronic identifier;

an association step, wherein the identification codes associated with the access device are used to associate the information regarding the consumer with the commercial transaction; and

a financial transaction authorization step, wherein the merchant executes a financial transaction.

4. (original) The method of claim 1 wherein the information regarding the consumer that is electronically forwarded to the merchant comprises at least one previously registered financial account identifier belonging to the consumer.

5. (original) The method of claim 4 wherein the financial account identifier is selected from the set comprising: a credit card number, a debit card number, a bank account number.

6. (original) The method of claim 1 wherein the information regarding the consumer that is electronically forwarded to the merchant is selected from the set comprising: the consumer's age, the consumer's name, the consumer's address.

7. (original) The method of claim 2 wherein the information regarding the consumer that is electronically forwarded to the merchant indicates the success or failure of the financial transaction authorization step.

8. (original) The method of claim 1 wherein the access device is selected from the set comprising: a wireline telephone, a wireless telephone, a two-way pager, a personal digital assistant, a personal computer.

9. (currently amended) The method of claim 1 wherein the identification code associated with the access device is selected from the set comprising: a telephone number, an ~~ESN~~ electronic serial number (ESN), a hardware identification code, an encryption of a challenge message with the access device's private key.

10. (currently amended) The method of claim 1 wherein the communication of the identification code associated with the access device is accomplished via caller ~~ID~~ identification (ID).

11. (original) The method of claim 1 wherein the first communications establishment step comprises a telephone call.

12. (original) The method of claim 1 wherein the second communications establishment comprises a telephone call.

13. (original) The method of claim 1 wherein the second communications establishment comprises three way calling.

14. (original) The method of claim 1 wherein the second communications establishment comprises packet switching.

15. (original) The method of claim 1 wherein the second communications establishment comprises induced three-way calling.

16. (original) The method of claim 2 wherein the transaction forwarding step uses a communication method selected from the set comprising: a dedicated communication line, a dial-up communication line, packet switching.

17. (original) The method of claim 1 wherein the consumer registration step further comprises the consumer registering at least one financial account identifier with the electronic identicator.

18. (original) The method of claim 1 wherein the biometric used is selected from the set comprising: a finger image, a facial image, a retinal image, an iris image, a voiceprint.

19. (original) The method of claim 1 wherein agreement on the proposed commercial transaction is accomplished by a method selected from the set comprising: oral agreement, written agreement, use of touch-tones, use of a mouse to click an “accept” icon, use of a stylus to tap an “accept” icon.

20. (currently amended) A system for tokenless biometric authorization of an electronic transaction between a consumer and a merchant, comprising:

an electronic identicator, comprising at least one computer further comprising at least one database wherein the consumer registers at least one registration biometric sample taken directly from the consumer’s person;

an access device capable of establishing communications between the consumer and the merchant, and between the consumer and the electronic identicator, and further comprising biometric input means, said access device not being required to contain in memory any data that is personalized to the consumer;

first communication means for enabling communications between the consumer and the merchant, and including transmission of an access device identification code to the merchant;

second communication means for enabling communications between the merchant and the electronic identicator, including transmission of transaction information between the merchant and the electronic identicator;

third communication means for enabling communications between the consumer and the electronic identicator, and capable of transmission of the access device identification code and a bid biometric sample obtained by the access device from the person of the consumer to the electronic identicator;

a comparator engine for comparing a bid biometric sample to at least one registration biometric sample; and

an execution module for authorizing a transfer of a transaction amount from a financial account of the consumer to a financial account of the payor;

wherein a financial transaction is conducted without the consumer being required to possess any man-made tokens containing information in memory that is personalized to the consumer.

21. (original) The system of claim 20 wherein the execution module is located at the merchant.

22. (original) The system of claim 20 wherein the execution module is located at the electronic identicator.

23. (original) The system of claim 20 wherein the execution module is operated by a third-party financial transaction processor.

24. (original) The system of claim 20 wherein the electronic identicator's database stores at least one of the items in the set comprising: a consumer's name, a consumer's age, a consumer's address, a financial account identifier belonging to a consumer.

25. (original) The system of claim 20 wherein the access device biometric input means is selected from the set comprising: a microphone for voice input, a finger image scanner for fingerprint input, a camera for facial image input, an iris scanner for inputting an image of the iris, a retinal scanner for inputting an image of the retina.

26. (original) The system of claim 20 wherein the bid biometric sample is selected from the set comprising: a finger image, a facial image, a retinal image, an iris image, a voiceprint.

27. (original) The system of claim 20 wherein the registration biometric sample is selected from the set comprising: a finger image, a facial image, a retinal image, an iris image, a voiceprint.

28. (currently amended) The system of claim 20 wherein each of the communication means is selected from the set comprising: a wired telephone connection, a wireless telephone connection, a wireless digital communications system, a packet-switched communication system, a circuit-switched communication system.

29. (original) The system of claim 20 wherein the access device is selected from the set comprising: a wireline telephone, a wireless telephone, a two-way pager, a personal digital assistant, a personal computer.

30. (new) A method for tokenless biometric authorization of an electronic transaction between a consumer and a merchant using an electronic identicator and an access device wherein the access device is not required to contain in memory any data that is personalized to the consumer, the access device including means for taking a biometric

sample from the consumer's person and the electronic identifier comprising at least one computer further comprising at least one database wherein the consumer has registered at least one registration biometric sample taken from the consumer's person, the method comprising:

- a first communications step, wherein the consumer and merchant establish communications with each other via an access device capable of biometric input;

- a proposal step, wherein a commercial transaction is proposed between the merchant and the consumer via the access device;

- a first access device identification step, wherein the access device communicates to the merchant an identification code associated with the access device;

- a second communications step, wherein after the consumer and merchant have agreed on the proposed commercial transaction, the consumer and the electronic identifier use the access device to establish communications with each other;

- a second access device identification step, wherein the access device communicates to the electronic identifier the identification code associated with the access device and a bid biometric sample taken from the consumer's person;

- a consumer identification step, wherein the electronic identifier compares the biometric sample with at least one previously registered biometric sample to produce a successful or failed identification of the consumer; and

- an information forwarding step, wherein, upon successful identification of the consumer, the electronic identifier electronically forwards information regarding the consumer to the merchant;

wherein, upon successful identification of the consumer, a biometrically authorized electronic financial transaction is enabled between the consumer and the merchant.

31. (new) The method of claim 30 including associating the access device identification codes sent respectively to the merchant and to the identifier so as to associate the consumer information with the commercial transaction.